

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-11443

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
April 30, 2008
THOMAS K. KAHN
CLERK

D. C. Docket No. 89-00228 CR-J-20-TEM

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HAROLD LEE ANDREU,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(April 30, 2008)

Before BIRCH, DUBINA and HILL, Circuit Judges.

PER CURIAM:

Appellant Harold Lee Andreu appeals his 30-month sentence for violation of his supervised release. He argues that the sentence imposed by the district court is a general one which is per se illegal. Because no clearly established rule of law in this circuit or any other circuit in the country holds that a general sentence cannot be imposed for a violation of supervised release,¹ we conclude that the district court did not commit plain error. Accordingly, we affirm Andreu's sentence.

AFFIRMED.

¹ We have held that a general sentence imposed on a judgment of conviction is per se illegal. *See United States v. Moriarty*, 429 F.3d 1012, 1025 (11th Cir. 2005). However, we have never extended the holding of *Moriarty* to a term of imprisonment imposed on a revocation of supervised release.